

US govt starts process to ban work permits for spouses

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The Trump administration has begun the process to ban work permits for spouses of H-1B visa holders, a move that would affect the families of thousands of Indian hi-tech workers in the US.

The US government on May 22 issued a notice for the proposed rule-making that will kick in public consultations to ban the H-4 EAD (Employment Authorisation Document), a work visa programme launched by the previous Obama administration to leverage skilled spouses of H-1B visa holders and address skill shortage in the technology domain.

While explaining its reasons for the proposal, the Department of Homeland Security wrote that American citizens would benefit "by having a better chance at obtaining jobs that some of the population of the H-4 workers currently hold".

Indians, largely female engineers, have been the biggest beneficiaries of the H4 EAD visa programme, taking over 90% of the 1.2 lakh visas issued since 2015. The Trump administration had first indicated the scrapping of the programme in February last

year. Even if this proposal goes through, it would take a while for it actually take effect, said policy watchers.

Rajiv S Khanna, managing attorney at immigration law firm Immigration.com, said it could take as much as a year for the visa programme to get scrapped. "The process is currently at the second last stage. Once it is approved here, it will be posted in the federal register and people will have 30 or 60 days to post comments, following which the regulation will be made final," said Khanna. The administration is obligated to comment before publishing and implementing the final rule, a process that could take several months, he added.

Since Donald Trump became President in 2017, the US has tightened immigration rules across the board. The biggest that has affected India is the tightening of the H-1B visa programme for IT services companies in favour of US technology companies.

The US has brought in rules that give preference to candidates with US Master's degrees for H-1B visas, helping US companies, while increasing the rejections for existing visa holders who seek extension for another three years. Nearly 70% of the H-1B visas are granted to Indian nationals.

Sarah Pierce, an analyst who tracks immigration to the US at Washington DC-based Migration Policy Institute, said setting a timeline would be tough. "The proposed rule is still waiting for approval from the Office of Information and Regulatory Affairs. Legally, that office has until June 20 to conduct that review. Should it approve it, the rule could be published shortly thereafter," she said.

A fallout of the scrapping of the visa would be a shortage of talent for US tech firms as these families are likely to return to India, she said. While most tech firms have increased their local hiring in the US, it has been difficult to find people, given the low unemployment rates coupled with a shortage in the number of people with the kind of skills required.

If an employee's spouse can no longer pursue a career in the US, it would lead to more people turning down US postings, said analysts. "There is no doubt that ending the opportunity for spouses of certain H-1B visa holders to work will have negative consequences for tens of thousands of immigrant families in the United States, as well as for the US companies that employ them," said Pierce.